

MORRISON & FOERSTER LLP

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NOV 23 2001

GROUP 3700

To: Kristen L. Droesch, Group 3762
U.S. Patent and Trademark Office

Facsimile: (703) 305-3590
Telephone: (703) 605-1185

From: Sanjay S. Bagade

Date: November 21, 2001

We are transmitting a total of 10 pages (including this page).
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Comments:**OFFICIAL PATENT APPLICATION COMMUNICATION**

U.S. Patent Application No.: 09/469,717

Filed: December 21, 1999

Title: ANASTOMOSIS DEVICE (AS AMENDED)

By: Hugh L. NARCISO, Jr.

Attorney Docket No.: 353532000710

Transmitted herewith are the following documents:

1. Transmittal Form - 1 page
2. Fee Transmittal + duplicate for fee processing - 2 pages
3. Petition for Revival of an Application for Patent Abandoned Unintentionally - 2 pages
4. Additional sheets containing statements establishing unintentional delay (letter dated November 19, 2001) - 2 pages
5. Continued Prosecution Application (CPA) Request Transmittal - 2 pages

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/489,717
Filing Date	December 21, 1999
First Named Inventor	Hugh L. NARCISO, Jr.
Group Art Unit	3762
Examiner Name	K. Driesch
Attorney Docket No.	353532000710

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GROUP 3762

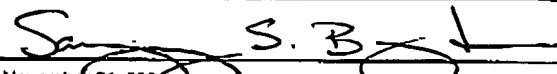
Total Number Of Pages In This Submission

9

ENCLOSURES (check all that apply)

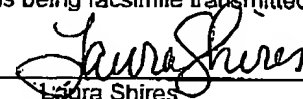
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form + duplicate for fee processing - 2 pages | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition (to Revive) - 2 pages | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1. Additional sheets containing statements establishing unintentional delay (letter dated November 19, 2001) - 2 pages |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | 2. Continued Prosecution Application (CPA) Request Transmittal - 2 pages |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	
Date	November 21, 2001

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on November 21, 2001.



Laura Shires

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/17 (09-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL
FOR FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 2,056.00

Complete if Known

Application Number 09/469,717

Filing Date December 21, 1999

First Named Inventor Hugh L. NARCISO, Jr.

Examiner Name K. Dreesch

Group Art Unit 3762

Attorney Docket No. 35353200710

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
105	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740

2. EXTRA CLAIM FEES

Total Claims	22	-20**	2	x	16	=	336	Fee Paid
Independent Claims	3	-3**	0	x	84	=	\$ 0	
Multiple Dependent					280	=	\$ 0	

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	16	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 8
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	16	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 36

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,950	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	1,280
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
125	180	125	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional examination requested (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,280

SUBMITTED BY

Name (Print/Type)

Sanjay S. Bagade

Registration No.

42,280

(Attorney/Agent)

Complete (if applicable)

Telephone

(650) 813-5720

Signature

Date

November 21, 2001

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pa-644455

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November 19, 2001

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SBagade@mofo.com

By E-mail

Linda Ara
Corvascular, Inc.
c/o Versant Venture Capital
3000 Sand Hill Road, Building 1, Suite 260
Menlo Park, CA 94025

Re: 35353-20007.10 Anastomosis Device and Method
Statement of Unintentional Abandonment of US Patent Application
no. 09/469,717

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JAN 09 2002

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Dear Linda,

Please sign and return this letter as confirmation that the abandonment of the above referenced application ("Patent Application") was unintentional and as confirmation of the following facts surrounding the abandonment.

i) Corvascular, Inc., the assignee of the Patent Application, ceased operations well before November 3, 2000, the mailing date of the last office action for the Patent Application. As a result of cessation of operations, no employees remained at Corvascular who were familiar with the subject matter of the Patent Application and no employee of Corvascular actively maintained watch over Corvascular's patent portfolio.

ii) You are being retained by the Board of Directors for Corvascular to act on behalf of Corvascular and facilitate the sale of its intellectual property.

iii) During a telephone call on May 2, 2001, as the result of an apparent administrative error, you inadvertently instructed Morrison & Foerster not to take any action regarding the Patent Application. The instructions were inadvertent because prior to this telephone call, the Patent Application was the subject of a transaction for sale and had value to Corvascular. At no time subsequent to the telephone call did Corvascular consider the Patent Application to lose this value.

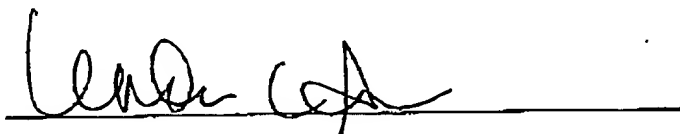
iv) In early November, 2001, in discussing the transaction for the sale of the Patent Application, you were informed that the Patent Application had been abandoned

MORRISON & FOERSTER LLP

Linda Ara
November 19, 2001
Page Two

for failure to respond to an outstanding Office Action due by February 3, 2001 (without extensions). As a result, you promptly instructed Morrison & Foerster to attempt to revive the Patent Application.

v) At no time after November 3, 2000, did Corvascular consider the Patent Application to be of insufficient value such that it did not desire to maintain an interest in prosecuting the Patent Application. At the time the Patent Application went abandoned it was the subject of a transaction for sale and Corvascular maintained an interest in prosecuting the Patent Application.



Linda Ara

11/10/01

Date

Sincerely,
/s/ Sanjay S. Bagade

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JAN 09 2002

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